

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

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| KIMBERLY TAYLOR, |) CASE NUMBER: |
| |) |
| Plaintiff, |) JUDGE |
| |) |
| v. |) |
| |) <u>DEFENDANT COSTCO WHOLESALE</u> |
| COSTCO WHOLESALE CORPORATION, |) <u>CORPORATION'S NOTICE OF</u> |
| et al., |) <u>REMOVAL OF CIVIL ACTION TO THE</u> |
| |) <u>UNITED STATES DISTRICT COURT</u> |
| Defendants |) <u>FOR THE NORTHERN DISTRICT OF</u> |
| |) <u>OHIO</u> |

Now comes Defendant Costco Wholesale Corporation (“Costco”), by and through counsel, pursuant to 28 U.S.C. § 1441 and 28 U.S.C. § 1446, and respectfully requests that this Court remove this action from the Cuyahoga County, Ohio Court of Common Pleas to the United States District Court for the Northern District of Ohio. In support of this request, Costco states as follows:

1. Costco is the only Defendant in a civil action pending in the Cuyahoga County, Ohio Court of Common Pleas, captioned *Kimberly Taylor vs. Costco Wholesale Corporation*, Cuyahoga County Common Pleas Case No. CV-20-942328. Plaintiff filed her Complaint on December 30, 2020.¹ The Cuyahoga County Court of Common Pleas Clerk of Courts issued a Summons upon Costco on January 4, 2021.²

¹ A true and accurate copy of Plaintiff’s Complaint is attached hereto as Exhibit A.

² A true and accurate copy of the summons is attached hereto as Exhibit B.

2. Costco's first notice of the above lawsuit was on or about January 9, 2021, when the Complaint was allegedly served on Costco's statutory agent in Columbus, Ohio.³ Accordingly, January 9, 2021 was the first notice Costco had of Plaintiff's Complaint.

3. Costco filed its Answer to Plaintiff's Complaint on January 20, 2021.⁴

4. Costco files this Notice of Removal pursuant to 28 U.S.C. § 1441 and 28 U.S.C. § 1446.

5. Plaintiff's Complaint stems from Costco allegedly causing or permitting a hazardous condition to exist on the floor of the Costco Store in Strongsville causing Plaintiff, Kimberly Taylor, to fall to the ground and suffer certain physical injuries. Based on this, Plaintiff has brought claims against Costco for negligence.

6. Upon information and belief, Plaintiff is an individual who resides at 12503 Countryside Drive, Strongsville, Cuyahoga County, Ohio.

7. Costco is a Washington corporation with its primary place of business located at 999 Lake Drive, Issaquah, Washington 98027.

8. Upon information and belief, Plaintiff's Complaint seeks in excess of \$75,000.00 in damages from Costco. It alleges compensatory damages in an unspecified amount, but exceeding \$25,000.00, for Plaintiff's injuries.

9. Given the complete diversity of the parties' citizenship and the amount in controversy, this Court has original subject-matter jurisdiction over this action pursuant to 28 U.S.C. § 1332. As such, this action is subject to removal pursuant to 28 U.S.C. § 1441.

³ A copy of the current docket in the Cuyahoga County Court of Common Pleas case is attached hereto as Exhibit C. A copy of the current service page on the docket for the Cuyahoga County Court of Common Pleas case is attached hereto as Exhibit D.

⁴ A copy of Costco's Answer is attached hereto as Exhibit E.

10. Costco has filed this Notice of Removal within the time requirements outlined in 28 U.S.C. § 1446. In particular, Costco was allegedly served with a copy of the Summons and Complaint on or about January 9, 2021. Therefore, this Notice of Removal is timely pursuant to 28 U.S.C. § 1446(a).

11. Costco has served a copy of this Notice of Removal upon Plaintiff, as well as filed it with the appropriate state court, pursuant to 28 U.S.C. 1446(d).

12. Costco asserts its right to a trial by jury.

13. Costco does not waive any jurisdictional or other defenses available to it.

14. Costco reserves the right to supplement this Notice of Removal and/or to present additional arguments in support of its entitled to removal.

WHEREFORE, Costco prays for removal of the above-referenced civil action from the Cuyahoga County, Ohio Court of Common Pleas to the United States District Court for the Northern District of Ohio.

Respectfully submitted,

/s/ Dennis R. Fogarty

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CERTIFICATE OF SERVICE

I hereby certify that Defendant Costco Wholesale Corporation's Notice of Removal of Civil Action to the United States District Court for the Northern District of Ohio was electronically filed with the Court on January 21, 2021. Notice of this filing will be sent by operation of the Court's case management and electronic case filing system. Parties may access this filing through the Court's case management and electronic case filing system. A true copy of the foregoing was also served by electronic mail on January 21, 2021 upon the following:

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Attorney for Plaintiff

/s/ Dennis R. Fogarty
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